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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE RODRIGUEZ,

Defendant.

Case No.: CR 19-279 CRB

**DECLARATION OF ROBERT ULTAN  
IN SUPPORT OF DEFENDANT'S  
RESPONSE TO UNITED STATES'  
SUPPLEMENTAL BRIEF**

**Court:** Courtroom 6, 17th Floor

**Hearing Date:** December 12, 2019

**Hearing Time:** 10:00 a.m.

I, Robert Ultan, declare the following:

1. I am an investigator employed by the Federal Public Defender's Office for the Northern District of California. As such, I am fully familiar with the facts of this case.
2. As part of my investigation on the above-captioned matter, I duly served a subpoena on the San Francisco Police Department ("SFPD") on November 5, 2019. Among other things, this subpoena requested certified records of the following:
  - a. Any policies/procedures/manuals/guidelines on traffic stops and/or citations

for infractions that were in effect in February 2019; and

b. Records/reports of all stops since 1/1/2018 for violations of [California Vehicle Code] 21235, including unredacted reports, and documents establishing the results of those stops (i.e., custodial arrest, citation, warning, etc.).

3. On November 14, 2019, the SFPD custodian of records produced responsive records.

4. True and accurate copies of relevant policies/procedures that I received are attached as follows:

a. Attached as Exhibit D is a copy of SFPD DGO 5.06 (Citation Release).

b. Attached as Exhibit E is a copy of SFPD DGO 9.01 (Traffic Enforcement).

5. I received copies of 58 citations involving scooter infractions. I did not receive any documentation or records of how many scooter infraction stops resulted in only a warning and no citation.

6. I also received incident reports relating to 5 custodial arrests that involved scooter infractions. One of those arrests related to the above-captioned case. Of the remaining 4, none of the arrestees was arrested solely on the basis of a scooter infraction—all of them were arrested for additional criminal charges and/or outstanding warrants.

a. Attached as Exhibit F is a true and accurate copy of excerpts from two of those other incident reports that contain information relevant to the Court's inquiry about how police officers identify people.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on December 4, 2019, in San Francisco, California.

/s/

ROBERT ULTAN